

## REMARKS

Applicants submit this Amendment in reply to the Office Action dated June 4, 2004.

On page 2 of the Office Action, the Examiner requested that Applicants amend the specification to include the requisite priority information. Applicants note that page 1 of the original application included a priority claim in lines 2-5, and in item no. 9 of the transmittal filed with this application, page 1 of the specification was amended to include a priority claim before the first line. To avoid any confusion, Applications now amend the specification to delete all text on page 1 through line 5 and add the requisite priority claim with appropriate headings for the priority claim and the Background section.

On pages 2-3 of the Office Action, claim 1 was rejected in a nonstatutory double patenting rejection over claim 1 of U.S. Patent No. 5,897,507. While Applicants do not necessarily agree that the rejection is proper, solely in the interests of expediting the prosecution of this application, Applicants submit a Terminal Disclaimer herewith to overcome the double patenting rejection. The submission of the Terminal Disclaimer in no way manifests an admission by Applicants as to the propriety of the double patenting rejection set forth in the final Office Action. Nor do Applicants subscribe to the various characterizations and assertions regarding claim 1 and the cited reference set forth in that double patenting rejection. See M.P.E.P. §804.02 *citing Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991) (“In legal principle, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection”). Should the need arise at a

later date, Applicants reserve the right to present arguments regarding the merits of the double patenting rejection and the nonobviousness of application claim 1 over patent claim 1 of U.S. Patent No. 5,897,507. Accordingly, Applicants respectfully request withdrawal of the double patenting rejection.

Applicants appreciate the Examiner's indication that claims 2, 4-6, and 86-88 are allowable. Though Applicants do not necessarily agree with the characterization of the art on page 3 of the Office Action, Applicants agree that "the claims distinguish over the prior art" due to the combination of features recited in the claims.

In view of the foregoing remarks, Applicants request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification and claims in this Amendment, Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Application No. 09/977,289  
Attorney Docket No. 6530.0145-02  
Amendment - September 14, 2004

Please grant any extensions of time required to enter this Amendment and  
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: September 14, 2004

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